

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CALVIN JOHNSON,)	
)	
Petitioner,)	Civil Action No. 19-202
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Robert C. Mitchell
MELISSA HANISWORTH, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On March 25, 2019, the Magistrate Judge issued a Report (Doc. 3) recommending that Calvin Johnson's 2254-habeas Petition be dismissed, and that a certificate of appealability be denied. Service of the Report and Recommendation was made, and Petitioner has filed Objections. *See* Doc. 9.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, it hereby is ORDERED that Calvin Johnson's 2254-habeas petition is **DISMISSED**; a certificate of appealability is denied; and the Report and Recommendation (Doc. 3) is adopted as the Opinion of the District Court.¹

¹ Notably, and although the Court expressly declines to rely on it as a basis for ruling, Petitioner was released from the state's physical-custody before, or shortly after, he filed the instant habeas Petition. *See* Objs. (Doc. 9) at 2 ("Petitioner was released from prison on February 13, 2019.").

IT IS SO ORDERED.

May 22, 2019

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Calvin Johnson
1217 Smokeywood Drive
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